



Security Council

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11 March 2003
English
Original: Arabic

Identical letters dated 9 March 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

On instructions from my Government, I wish to transmit to you herewith the daily report on the activities of the inspection teams of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) in Iraq on 9 March 2003.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Mohammed A. Aldouri
Permanent Representative



Annex to the identical letters dated 9 March 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

Activities of the IAEA and UNMOVIC inspection teams in Iraq

Inspection activities on Sunday, 9 March 2003

I. IAEA inspection team

Group I

The group left the Canal Hotel in Baghdad at 9.15 a.m. and went to the State Systems Company which comes under the Ministry of Industry. The group interviewed the director of the company, asking him about the number of employees and their specialities, the structure of the company and its current activities. The group then inspected all parts of the company. The group concluded its mission, which lasted four hours, and then returned to the Canal Hotel.

Group II

The group left the Canal Hotel in Baghdad at 9.10 a.m. and made a radiometric survey using vehicle-borne equipment to detect any proscribed radiological activity. The survey included the site of the Atomic Energy Organization in the Tuwaythah area and a number of areas in Jurf al-Naddaf. The group concluded its mission, which lasted 3 hours 40 minutes, and then returned to the Canal Hotel.

II. UNMOVIC inspection team (missiles)

Group I

The group left the Canal Hotel in Baghdad at 8.30 a.m. and went to the Taji Technical Battalion. The group observed the destruction of six Samoud 2 missiles and 11 warheads. The group concluded its mission, which lasted four hours, and then returned to the Canal Hotel.

Group II

The group left the Canal Hotel in Baghdad at 8.30 a.m. and went to the Fath State Company which belongs to the Karamah State Company. The group made an inventory of Samoud 2 missile components with a view to their being taken to Taji to be destroyed, concluded its mission, which lasted 3 hours and 40 minutes, and then returned to the Canal Hotel.

Group III

The group left the Canal Hotel in Baghdad at 8.30 a.m. and went to the Qa'qa' State Company where it interviewed officials of the company. It asked about and collated declarations relating to the binary-fuel plant. The group then placed heat-

protective stickers over the tags on the Samoud 2 missile warheads. The group concluded its mission, which lasted three hours, and then returned to the Canal Hotel.

III. UNMOVIC inspection team (chemical)

The team left the Canal Hotel in Baghdad at 9.30 a.m. and went to the Tadmur Tanning Company (private sector). When the team arrived at the site, it became clear that the company had stopped working a year and a half previously since when it had been inactive. The team asked the employees about the chemical materials being stored there. The team then inspected all the facilities of the company. It concluded its mission, which lasted one hour, and then returned to the Canal Hotel.

IV. UNMOVIC inspection team (biological)

The team left the Canal Hotel in Baghdad at 8 a.m. and went to the Aziziyah bomb destruction site. The team numbered the intact bombs, and those that had been destroyed, and grouped them together in one place. The team concluded its mission, which lasted four hours, and then returned to the Canal Hotel.

V. UNMOVIC joint inspection team in Baghdad

A helicopter took off from Rashid airfield at 8 a.m. and went to the Aerial Weapons Test Range belonging to the Saddam Air Base. The team interviewed officials at the site, asking them about the number of employees and the most recent test that had been carried out at the site. The team then inspected all parts of the range. It concluded its mission, which lasted one hour, and then returned to Rashid airfield.

VI. UNMOVIC joint inspection team in Mosul

The team left the Nineveh Palace Hotel at 9 a.m. and went to the Arabian Gulf Envelope Company, Ltd. (private sector) which specializes in the production of envelopes for correspondence. The team interviewed officials of the company, asking them about the company's activities and its products, the amount of paper used and its production capacity. The team then inspected the company's production line. The team concluded its mission, which lasted one hour and 20 minutes, and then returned to the Nineveh Palace Hotel.



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Letter dated 9 March 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith the text of a letter dated 9 March 2003 from Mr. Naji Sabri, Minister for Foreign Affairs of Iraq, regarding the build-up of American and British troops near the demilitarized zone and the planned military aggression against Iraq.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Mohammed A. Aldouri
Permanent Representative



Annex to the letter dated 9 March 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

Further to the many letters we have addressed to you in the past concerning the build-up of American and British troops on Kuwaiti territory and close to the borders of the demilitarized zone separating Iraq and Kuwait, I should like to refer to the information I sent to the United Nations Iraq-Kuwait Observation Mission (UNIKOM) on 7 March 2003 which indicated that, on 6 March 2003, the Kuwaiti authorities and American forces had made seven openings, each approximately 25 metres wide, in the electric fence separating Iraq and Kuwait and that the Kuwaiti authorities were intending to cut a further 35 similar openings by 15 March 2003, in anticipation of the planned attacks to be launched against Iraq by way of the demilitarized zone. The aforementioned information also indicated that, at 7.30 a.m. on 6 March 2003, an American F-15 aircraft had overflown the Iraqi section of the demilitarized zone, close to the port of Um-Qasr, and dropped pamphlets, written in Arabic, calling on Iraqi troops and citizens not to defend the port and to hand it over to the American forces when they came to occupy it.

The presence on Kuwaiti territory of massive groups of American and British troops who, aided and abetted by Kuwait, are ready to mount aggressions against Iraq, constitutes a violation of the Charter of the United Nations, in particular Article 2, paragraph 4, which reads as follows: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations". These activities are also a blatant violation of the relevant Security Council resolutions concerning the situation between Iraq and Kuwait, which call on all States to respect the sovereignty, political independence and territorial integrity of Iraq.

I trust that, pursuant to Article 99 of the Charter of the United Nations, you will bring these new and dangerous developments to the attention of the Security Council so that, under Chapter VII of the Charter of the United Nations, it may take the necessary measures to tackle the situation, which poses a serious threat to international peace and security.

Furthermore, I would ask you to approach the Kuwaiti authorities and urge them to respect the demilitarized zone. In that connection, I should like to recall the obligations incumbent on Kuwait under the relevant Security Council resolutions and the resolutions adopted in the past two weeks at the Arab summit, the summit of the Non-Aligned Movement and the summit of the Organization of the Islamic Conference. All those resolutions reaffirm the rejection of aggression against Iraq, the willingness of the Arab States, the States members of the Non-Aligned Movement and the States members of the Organization of the Islamic Conference to abstain from participating in any military action targeting the territorial security, integrity and unity of Iraq and the fact that, in accordance with international law and the Charter of the United Nations, Kuwait must assume the legal responsibilities incumbent upon it as a result of its participation in the aggression.

(Signed) Naji Sabri
Minister for Foreign Affairs

**Security Council**

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Letter dated 10 March 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I wish to inform you that a total of 459 items of unexploded ordnance left behind by the 1991 thirty-Power aggression against Iraq were found and disposed of in various parts of Iraq during the period from 1 to 31 January 2003. The items, which included spherical bombs, burster charge canisters, K30-type aircraft bombs, cluster bombs and P.V.-type aircraft bombs, were found in the following governorates: Basrah, Najaf, Wasit and Salah al-Din.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Mohammed A. Aldouri
Permanent Representative





Security Council

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11 March 2003

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**Letter dated 11 March 2003 from the Chargé d'affaires a.i. of the
Permanent Mission of the Sudan to the United Nations addressed
to the President of the Security Council**

In my capacity as Chairman of the Islamic Group, I have the honour to request that Ambassador Mokhtar Lamani, Permanent Observer of the Organization of the Islamic Conference to the United Nations, be allowed to participate in the debate in the Security Council on the item entitled "The situation between Iraq and Kuwait", in accordance with the relevant provisions of the Charter of the United Nations and rule 39 of the provisional rules of procedure of the Security Council.

(Signed) Omer Bashir Manis
Chargé d'affaires a.i.





**General Assembly
Security Council**

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**General Assembly
Fifty-seventh session
Agenda items 36 and 160**

**Security Council
Fifty-eighth year**

The situation in the Middle East

Measures to eliminate international terrorism

**Letter dated 10 March 2003 from the Permanent Representative of
Israel to the United Nations addressed to the Secretary-General**

I am writing to draw your attention to the latest attacks in the continuing campaign of Palestinian terrorism directed against the citizens of Israel.

This past Friday evening, 7 March, at approximately 8.40 p.m. (local time), two Palestinian terrorists, disguised as observant Jews and armed with automatic rifles and an explosive belt, infiltrated the community of Kiryat Arba. The first victims were a married couple taking a walk, both of whom were seriously wounded by gunfire. The terrorists then proceeded to a nearby building, where they broke into an apartment and killed Rabbi Eliahu Horowitz, age 52, and his wife Dina, age 50. At this point, a response unit arrived and engaged the terrorists in a gunfight lasting 30 minutes. A total of five other Israelis were wounded in the attack for which the terrorist organization Hamas claimed responsibility.

On Thursday, 6 March, Palestinian terrorists continued their rocket attacks on southern Israeli towns and villages. Three Kassam rockets, fired from Palestinian territory in the northern Gaza Strip, fell in the Negev town of Sderot, an area that has regularly come under rocket attack. On Sunday, 9 March, four more rockets hit Sderot. One of the rockets hit the concrete perimeter wall of a seminary on the outskirts of the town, a few metres from the local fire station. By sheer chance, no major injuries were reported. The terrorist organization Hamas claimed responsibility for these attacks as well.

In addition, Israeli security forces continue to thwart numerous attempted attacks. On Friday evening, Israeli soldiers prevented two Palestinian terrorists from infiltrating the community of Negohot. The terrorists were armed with assault rifles, grenades and an explosive belt, of the type used by suicide bombers. Yesterday, the Israel Defense Forces (IDF) uncovered eight explosive devices of various sizes in the Palestinian village of Al-Yamoun; the explosives were detonated in a controlled manner. The IDF has also uncovered several large laboratories housing vast quantities of explosives.

Israel continues to hold the Palestinian leadership responsible for the ongoing campaign of terrorism deliberately aimed at Israeli civilians, in light of its relentless incitement of its people to acts of violence, its direct support and active encouragement of terrorist acts and its ongoing failure to take any steps to fight terrorism and restore calm. Under international law, Security Council resolutions and signed commitments reached with Israel, the Palestinian leadership has an obligation to fight terrorism, end incitement and bring the perpetrators of terrorist acts to justice, none of which it has done. Instead, the Palestinian leadership has used its power and influence to support and encourage acts of violence and terrorism.

In such a climate, Israel is left with no choice but to exercise its right to self-defence and to take the necessary steps to protect its civilian population from the unrelenting threat of Palestinian terrorism. Israel calls upon the international community to utilize its power and influence to compel the Palestinian leadership to lay the groundwork for a resumption of negotiations by undertaking to fight terrorism, in accordance with its obligations under Security Council resolutions, in particular resolution 1373 (2001). Only the full rejection of terrorism, in both word and deed, will permit the conclusion of a lasting peace agreement, capable of satisfying the legitimate needs and aspirations of both sides.

I submit this letter in follow-up to numerous letters detailing the campaign of Palestinian terrorism that began in September 2000, which document the criminal terrorist strategy for which the terrorists and their supporters must be held fully accountable.

I should be grateful if you would arrange to have the text of this letter circulated as a document of the General Assembly, under agenda items 160 and 36, and of the Security Council.

(Signed) Dan Gillerman
Permanent Representative



Security Council

Distr.: General
12 March 2003

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Letter dated 6 March 2003 from the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait addressed to the President of the Security Council

I have the honour to transmit herewith the annual report of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait (see annex). The report, which was adopted by the Committee on 5 March 2003, is being submitted pursuant to the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(Signed) Gunter Pleuger
Chairman

Security Council Committee established by resolution 661 (1990)
concerning the situation between Iraq and Kuwait



Annex**Annual report of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait****I. Introduction**

1. The present report is submitted to the Security Council pursuant to the note by the President of the Security Council dated 29 March 1995 (S/1995/234), by which the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait is requested to report annually to the Security Council, providing a concise indication of its activities for that year. The Committee has so far submitted six annual reports to the Security Council (S/1996/700, S/1997/672, S/1998/1239, S/2000/133, S/2001/738 and S/2002/647). The present report, the seventh of its kind, presents a factual summary of the Committee's major activities from 1 January to 31 December 2002, with references to other matters dealt with by the Committee that year.

2. During the reporting period, the implementation of the arrangements established by resolution 986 (1995) has continued under resolutions 1382 (2001) (phase XI), 1409 (2002) (phase XII), 1443 (2002) (extension of phase XII) and 1447 (2002) (phase XIII). During the reporting period, the Committee submitted a report to the Council for phase XI on the implementation of the arrangements set out in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986 (1995) (S/2002/1261 of 18 November 2002). The report for phase XII is still in draft form pending adoption by the Committee.

3. In accordance with paragraph 5 of resolution 700 (1991), the Committee is entrusted with the responsibility for monitoring the prohibitions against the sale or supply of arms to Iraq and related sanctions established by resolution 687 (1991). Pursuant to paragraph 6, subparagraph (f), of the guidelines (S/22660) to facilitate full international implementation of paragraphs 24, 25 and 27 of resolution 687 (1991), the Committee has, by the end of the reporting period, submitted 46 reports to the Security Council at 90-day intervals. The four such reports submitted during the reporting period are contained in documents S/2002/84, S/2002/476, S/2002/802 and S/2002/1167.

4. The Committee's bureau is elected by the Security Council at the beginning of each calendar year after consultations among members of the Council. The bureau consists of a Chairman elected in his or her personal capacity and two Vice-Chairmen designated in their national capacity. For the year 2002, the bureau consisted of Ole Peter Kolby (Norway) as Chairman, with the delegations of Bulgaria and Mauritius as Vice-Chairmen.

II. Work of the Committee

5. During the reporting period, the Committee was seized with a variety of issues ranging from sanctions enforcement and monitoring to matters related to the oil-for-food programme. The Committee held 15 formal meetings in 2002, bringing the total number of formal meetings to 243 since its inception in 1990. In accordance

with the decisions taken at the Committee's 132nd and 134th meetings, the Chairman continued to give oral briefings on the work of the Committee to interested delegations and the press after each formal meeting.

6. In addition to formal meetings, the Committee held numerous informal consultations at the expert level to consider various issues concerning its work, in particular issues relating to the implementation of the oil-for-food programme, such as the oil-pricing mechanism, revenue shortfalls and holds on contracts.

A. Implementation of Security Council resolution 986 (1995)

7. The operation under resolution 986 (1995) continued throughout the reporting period, extended successively by resolutions 1382 (2001), 1409 (2002), 1443 (2002) and 1447 (2002). By resolution 1409 (2002), adopted on 14 May 2002, the Security Council significantly changed the modalities of the oil-for-food programme in the light of the new goods review list and the revised procedures, easing the supply of humanitarian goods to Iraq while strengthening control over dual-use items. Against this background, the Committee continued its efforts to overcome remaining difficulties in the approval process for humanitarian supplies to Iraq and to speed up the delivery and distribution of such supplies.

Export of petroleum and petroleum products from Iraq

8. By the end of the reporting period, there were 1,097 national oil purchasers, nominated from 88 countries, authorized to communicate directly with the oil overseers, in accordance with paragraph 2 of the procedures of the Committee (see S/1996/636).

9. In the period covered by the present report, a total of 275 oil contracts were reviewed and approved by the oil overseers and the Committee. The number of liftings made was 330, with a volume of 460 million barrels. The revenue generated amounted to €10,562 million (\$11,076 million at the rate of exchange on 31 December 2002). About 39 per cent of the loadings were made at Ceyhan in Turkey.

10. Pursuant to paragraph 14 of the procedures of the Committee, the overseers continued to report to the Committee once a week on the contracts they considered for the sale of petroleum originating in Iraq, including the cumulative quantity and approximate value of petroleum authorized for export. By the end of 2002, 316 such reports had been submitted to the Committee.

11. On 1 and 8 February 2002, at its 230th and 231st meetings, the Committee considered a letter from the State Oil Marketing Organization of Iraq, appealing to the Committee to abandon the practice of "retroactive pricing" which, it claimed, had a negative impact on Iraq's oil exports. Following further information and clarifications on the issue provided by the oil overseers, the question was discussed at a number of formal and informal meetings of the Committee and a number of proposals were tabled by France, the Russian Federation and the United Kingdom of Great Britain and Northern Ireland, respectively, on ways to address the issue.

12. The 237th meeting was held at the ambassadorial level on 19 August 2002 at the urgent request of the Russian Federation to consider the situation caused by the serious drop in Iraqi oil exports. The oil overseers provided an update of the situation, noting that oil exports during phase XII had so far been less than 1 million barrels per day as compared to a sustainable level of 2.1 million barrels per day

during the previous phase. Committee members had an extensive discussion on the issue without reaching common understanding on what caused the situation or on ways to address it.

13. In November 2002, the Committee considered another communication from the State Oil Marketing Organization on the same subject. The Committee decided to request the oil overseers to prepare a consolidated paper comprising all three proposals on the table and conduct further discussions on the whole issue at the expert level. So far no progress has been achieved on the question.

14. At its 235th meeting, on 10 July 2002, the Committee considered requests from Belgium and Oman to import certain oil-derived products from Iraq, and requested the Office of the Iraq Programme to probe into the necessary modalities for such imports before the Committee took a decision. On 2 October, the Office of the Iraq Programme informed the Committee that it had been informed by the State Oil Marketing Organization that "the official position of the Iraqi Government" on the issue was that Iraq "exported crude oil only and had no surplus of products for export".

Humanitarian supplies to Iraq under the oil-for-food programme

15. During the period covered by this report, the Secretariat received 4,491 applications, of which 415 were subsequently cancelled or declared null and void, 2,538 were notified by the Secretariat or approved by the Office of the Iraq Programme, 162 were incomplete or considered to be non-compliant with the Committee's procedures or inactive, 800 were approved, with a total value of approximately \$2 billion, and 265 with a total value of \$870 million were goods review list non-compliant.¹ 11 had the status "goods review list notice",² 26 had the status "goods review list processing",³ 155 were under UNMOVIC/IAEA review, 111 were under review by the Office of the Iraq Programme, 28 worth \$57.2 million were denied by the Committee, one application worth \$3.6 million was "supplier lapsed"⁴ and two worth \$9.3 million were rejected by the Committee. A total of 117 applications worth \$146.6 million and previously on hold were returned to suppliers as category A holds under paragraph 18 of the revised procedures.

16. During the reporting period, 806 applications valued at \$2.49 billion were placed on hold, 526 valued at \$2 billion were released by the Committee, and 724 valued at \$1.49 billion were released pursuant to paragraph 18 of Security Council resolution 1409 (2002).

17. The Committee also approved 546 applications worth approximately \$145 million for purchases for the United Nations inter-agency humanitarian programmes operating in the northern part of Iraq.

18. The arrival of humanitarian goods is verified and confirmed by the United Nations independent inspection agents, Cotecna, at five entry points, namely, the port of Umm Qasr, Trebil on the Iraqi-Jordanian border, Al-Walid on the Iraqi-Syrian border, Zakho on the Iraqi-Turkish border and Ar'ar on the Iraqi-Saudi Arabian border. The latter entry point became fully operational on 8 November 2002. During the period covered by the present report, a total of 3,810 approved consignments were confirmed as having arrived in Iraq in full or partial shipments. As in previous phases, the Iraqi authorities have accorded the independent inspection agents full cooperation in their work.

Matters related to the oil sector (oil spare parts and cash component)

19. During the period covered by the report, the Secretariat had received 1,660 applications for the export of oil spare parts and equipment to Iraq, 328 of which were subsequently withdrawn. A total of 143 contracts with a value of approximately \$107 million were approved; 179 with a value of \$205 million were "goods review list non-compliant/inactive".¹ There were 145 applications with a value of \$508 million still under evaluation by Secretariat experts, including 121 non-compliant/inactive applications worth \$478 million, and 24 with a value of \$30 million remained under review by the Office of the Iraq Programme. A total of 777 applications worth \$529 million were approved by the Office of the Iraq Programme, 56 were under UNMOVIC/IAEA review, 4 had the status "goods review list notice", 20 had the status "goods review list processing", 17 worth \$13.2 million were denied by the Committee, 6 worth \$11.3 million were rejected by the Committee, and 2 applications became "supplier lapsed". A total of 54 applications worth \$168.8 million and previously on hold were returned to suppliers as category A holds under paragraph 18 of the revised procedures.

20. During the reporting period, 309 applications valued at \$306 million were placed on hold, 203 valued at \$174 million were released by the Committee, and 281 valued at \$166 million were released pursuant to paragraph 18 of Security Council resolution 1409 (2002).

Implementation of the revised procedures pursuant to resolution 1409 (2002)

Registration and processing of applications

21. The registration of applications under the revised procedures became effective on 1 July 2002. As at 31 December, the Office of the Iraq Programme had fully processed a total of 4,563 applications worth \$8,553 million under the revised procedures, including new applications, "legacy" applications submitted before 1 July and applications previously placed on hold and now reprocessed under paragraph 18 of the revised procedures (which are attached to resolution 1409 (2002)).

22. Items included in the goods review list have been identified in 193 applications worth \$598.7 million, which constitute 4.2 per cent of the number and 7 per cent of the value of all applications reviewed so far by UNMOVIC and IAEA. It should also be noted that most of those applications (119) were previously on hold and were reprocessed under paragraph 18 of the revised procedures. The items identified thus far are mostly heavy vehicles, but also include veterinary vaccines, corrosion-resistant pumps, chemicals, respirators and testing and control equipment. In all cases, notices have been sent to the submitting missions informing them of the options available to the suppliers under the revised procedures. Of the 193 applications found to contain items on the goods review list, a total of 74 applications valued at \$101.8 million have been fully processed by the Committee: 45 applications worth \$27 million have been denied (60.8 per cent and 26.5 per cent respectively of the total number and the value processed), and 8 applications worth \$20.6 million have been rejected (10.8 per cent and 20.2 per cent, respectively).

Implementation of paragraph 4 of the revised procedures

23. Paragraph 4 of the revised procedures stipulates that, at their discretion and subject to the approval of the Committee, UNMOVIC and IAEA may issue guidance regarding what categories of application do not contain any items covered by paragraph 24 of resolution 687 (1991) as it relates to military commodities and products, or military-related commodities or products, covered by the goods review list. UNMOVIC, IAEA and the Office of the Iraq Programme, working in consultation, may develop a procedure whereby the Office may evaluate and approve applications that, based on that guidance, fall within those categories. In a letter dated 28 October 2002 addressed to the Executive Director of the Iraq Programme, the Chairman of the Committee informed him that, of the 5,991 proposed items in the list of 12 categories transmitted by the Executive Director on 11 September, the Committee had approved 5,888 items (98.3 per cent) for inclusion in the "fast-track" list, while removing 103 items (1.7 per cent) from the list. The latter would continue to be reviewed by UNMOVIC and IAEA to ensure that items were not included in the goods review list or otherwise subject to paragraph 24 of resolution 687 (1991).

24. The approved list (the "blue list") has been placed on the web site of the Office of the Iraq Programme. Provided that no other items are included in the applications, free-of-charge or otherwise, the Office will approve such applications containing only items specified in that list, without any further review by UNMOVIC and IAEA. Pursuant to paragraph 17 of the revised procedures, the Committee will continue to be provided with copies of such approved applications for information purposes only. As at 31 December 2002, the Office of Iraq Programme has approved 198 such applications worth \$327.2 million, mostly in the health and food sectors.

Implementation of paragraph 18 of the revised procedures

25. At the start of the implementation of paragraph 18 late in June, the number of holds stood at 2,202 applications valued at over \$5.4 billion. As at 31 December, all applications in category A holds had been returned to the submitting missions, while all applications in category B had been recirculated to UNMOVIC and IAEA for review, thus effectively marking the completion of the implementation of paragraph 18.

26. UNMOVIC and IAEA have reassessed a total of 1,860 applications worth \$4,684 million and found no items included in the goods review list in 969 applications worth over \$1.6 billion, which were subsequently approved by the Office of the Iraq Programme. This represents 52 per cent of the number and 34 per cent of the total value of the reassessed applications. The categories of approved goods previously on hold covered a broad spectrum ranging from medicines, chemicals and laboratory supplies and medical and water-treatment equipment to generators, pumps and various types of vehicles not included in the goods review list.

27. UNMOVIC and IAEA still had additional questions concerning 753 category B holds worth almost \$2.6 billion.

Efforts by the Committee to address various issues relating to the oil-for-food programme

28. During the reporting period, the Committee continued to attach priority to the work of contract processing to facilitate humanitarian supplies to Iraq.

29. In close cooperation with the Office of the Iraq Programme, the Committee completed its series of informal meetings on sectoral activities with presentations by the United Nations agencies and programmes concerned, as well as discussions on holds in each sector. On 20 February 2002, the World Food Programme briefed the Committee on the transport and food-handling sector. On 20 March, the World Health Organization, the United Nations Children's Fund and the United Nations Office of the Humanitarian Coordinator in Iraq briefed the Committee on the health and nutrition sector in Iraq. Following the sectoral briefings, on 31 May the Committee received a briefing on the general humanitarian situation in northern Iraq by the outgoing Deputy Humanitarian Coordinator.

30. On 22 March 2002, during informal consultations, the United States of America updated the Committee on its latest position regarding the status of holds on certain contracts. In addition, the Office of the Iraq Programme provided several updates and briefings to the Committee on the general issue of holds. Beginning on 28 February, the Office had begun to compile priority lists of holds, specifying the 10 to 15 highest priority items on hold in each sector for the Committee's attention and action, since the items on the priority lists are regarded as essential for the integrity and operation of critical systems and projects.

31. On 14 August 2002, the Committee was briefed at informal consultations by the Office of the Iraq Programme on the implementation of the new procedures established by resolution 1409 (2002). On 10 October, also at informal consultations, the Committee received an additional briefing by the Office, as well as by UNMOVIC, on the implementation of resolution 1409 (2002). On 22 October, another informal meeting was convened to consider issues relating to a number of lists (the so-called "blue list") related to resolution 1409 (2002), which required Committee approval. The Committee approved the lists with modifications on 28 October.

32. On 20 May 2002, at its 234th meeting, the Committee considered a request from Uganda to barter agricultural products for Iraqi oil. The Committee agreed that this was not possible under current Security Council resolutions and decided to inform Uganda accordingly. On 11 October, at its 240th meeting, the Committee considered a letter from the United Arab Emirates, which also appeared to be proposing a barter arrangement. The matter was discussed a number of times in informal consultations. On 11 November, the Committee was informed that the United Arab Emirates had decided to withdraw the request.

33. At informal consultations on 2 December 2002, the Committee had an exchange of views on the question of commercial protection, which had been the subject of discussion since 1999. The matter is still under consideration of the Committee.

34. In April 2002, the Committee continued its discussions at informal meetings on the subject of a cash component for the oil sector. Following several questions posed by some delegations with regard to modalities of implementation of the scheme proposed by the Secretary-General in June 2001 (S/2001/566), at the 237th

meeting of the Committee, on 19 August, the Office of the Iraq Programme informed the Committee that it was currently awaiting a response from Iraq on the issue.

35. At informal consultations on 29 April 2002, the Committee received a briefing by Saybolt, the United Nations independent experts monitoring Iraq's oil export, on the situation of Iraq's oil industry and the need for spare parts and equipment.

B. Humanitarian exemptions under resolution 661 (1990)

36. During the period covered by the present report, the Committee continued to receive and process other notifications and applications to send humanitarian goods to Iraq submitted under resolutions 661 (1990) and 687 (1991). The total number of notifications and applications received from States and international organizations was 9,008, including 110 notifications. The Committee acknowledged receipt of all 36 foodstuff notifications and took note of 74 voluntary notifications for medical supplies to Iraq, which had an estimated combined value of \$112,313,095. Under its "no-objection" procedure, the Committee processed all of the remaining 8,898 applications concerning the supply of other categories of goods to Iraq. Some 3,847 of these requests, with an estimated value of \$13,849,450,222, were approved; 831 requests with an estimated value of \$3,036,164,260 were placed on hold for further information and/or clarification, and 4,218 applications with a value of \$24,408,368,965 were blocked. Two applications with a zero value were withdrawn or annulled.

C. Flights

37. During the reporting period, the Committee continued to follow its established practice with regard to flights to Iraq. The Committee processed and responded to over 500 communications concerning flights to Iraq.

38. The Committee also considered a number of related issues. On 10 July 2002, at its 235th meeting, the Committee considered two requests from Bahrain to operate a scheduled commercial air link between Baghdad and Bahrain and an air service to Baghdad for pilgrims going to the holy places in Iraq. As in the past, the Committee was unable to grant blanket approval to regular flights to Iraq but was ready to consider such flights on a case-by-case basis.

39. Following a number of further communications and discussions on the pilgrim flight request, the Committee decided at its 243rd meeting on 11 December 2002 to write to Bahrain to request additional information on the financial arrangements for the proposed flights. The Committee's draft letter to Bahrain is still under consideration, however.

40. From July to December 2002, the Committee considered at a number of meetings a request by the Syrian Arab Republic for approval to use the Iraqi airspace outside the "no-flight zone" for the Syrian Arab Airlines direct flights between Damascus and Tehran. As requested, the Syrian Arab Republic provided further assurances to the Committee against any payment to Iraq for these flights. The Committee discussed the request a number of times without reaching a definitive conclusion. In view of the Committee's understanding that this matter is not prohibited by the relevant Security Council resolutions, the Syrian Arab Republic withdrew its request at the 243rd meeting, and further assured the

Committee that such overflights would be conducted in full conformity with Security Council resolutions.

D. Financial matters

41. On 1 February 2002, at its 230th meeting, the Committee considered a letter from France regarding the diversification of the Iraq escrow account. The United Nations Treasurer provided a briefing on the subject, informing members that final bids with regard to the diversification of humanitarian letters of credit had been received on 30 January 2002, from which five banks would be selected.

42. In the period from July to November 2002, the Committee considered requests from Bahrain and Jordan for the release from the Rafidain Bank of Iraq of frozen funds, which were said to belong, respectively, to the Arab War Risks Insurance Syndicate, a pan-Arab insurance organization, and to the Jordanian-Iraqi Company for Industry. The Committee considered the requests a number of times at its 235th, 236th, 238th and 242nd meetings without reaching consensus on how to proceed, despite efforts by some members to find a compromise solution.

43. On 31 July 2002, at its 236th meeting, the Committee considered a request by the Libyan Arab Jamahiriya to dispose of some 43,000 tons of oil on board an Iraqi tanker stranded for a decade in a Libyan port. After additional clarification by the Libyan Arab Jamahiriya concerning the transfer of ownership of the ship and its cargo, the Committee considered the matter again on 11 December, at its 243rd meeting, and tentatively decided to take it up again in an informal setting with the participation of the Treasurer's office, in view of the financial issues involved in the proposed transaction.

44. On 6 September 2002, at its 238th meeting, the Committee considered a letter from Finland forwarding a request for advice from the trustee of a Finnish company on how to settle the company's bankruptcy estate involving an Iraqi joint venture. The Committee was of the view that it should not get involved in the settlement of any commercial dispute. It considered that it was necessary, however, to send a letter to Finland stressing that no financial resources should be made available to Iraq, as this was proscribed under paragraph 4 of resolution 661 (1990).

45. At the same meeting, the Committee considered a report of the Board of Auditors, transmitted by the Secretary-General, on the audit of the United Nations escrow account covering the year 2001. The report and its recommendations were considered by the members of the Committee with the participation of the officers of the Office of the Iraq Programme concerned. At its 240th meeting, the Committee decided to send a letter of thanks to the Secretary-General for transmitting the report to the Committee.

E. Monitoring arrangements and reported violations

46. On 28 January and 1 February 2002, at its 229th and 230th meetings, the Committee considered a number of media articles submitted for its attention by the delegation of the United Kingdom which contained allegations that the Syrian Arab Republic was illegally importing oil from Iraq through the Iraq-Syrian Arab Republic oil pipeline. The allegation was categorically rejected by the Syrian Arab Republic.

47. At its 229th meeting, the Committee continued its consideration of two German press articles on the alleged involvement of an India-based company in supporting Iraq's weapons development programme, an item the Committee had considered several times in 2001. On 28 February, the Committee sent a letter to India requesting it to investigate the matter, to which the Indian authorities responded by requesting a copy of the German intelligence reports on the subject. A letter to that effect was sent by the Committee to Germany. In an oral response to the Chairman of the Committee, Germany made it clear that, in view of the nature of the matter, it would prefer to take it up with interested members in a bilateral manner if they so wished. The Committee discussed the matter again at its 234th and 235th meetings, on 20 May and 10 July, and decided to request the Chairman to inform India orally of the German response and encourage India to take up the matter bilaterally with Germany.

48. On 8 February 2002, at its 231st meeting, the Committee considered a letter from Liberia requesting the Committee's assistance in apprising it of developments related to the case of the tanker *Essex*, registered in Liberia, which had allegedly exported Iraqi oil outside the oil-for-food programme (see S/2002/647). The Committee agreed to the request and the relevant documentation was subsequently provided to Liberia.

49. At its 232nd meeting, on 19 February 2002, the Committee considered a letter from the Bahamas in response to an earlier letter by the Committee asking for investigations into the *Essex* incident. Since the Committee was still waiting for responses from other States on the matter, the Committee decided to defer discussion of the Bahamas communication until the conclusion of the necessary investigations by the other States.

50. At the same meeting, the Committee considered a response by Jordan to a letter of enquiry sent by the Chairman on 20 October 2001 in connection with a media report claiming that a group of businessmen from some Arab States had donated a Boeing 747 aircraft to the President of Iraq. Jordan requested additional details about the businessmen to enable it to conduct an investigation. The Committee decided to revert to the matter when more responses were received from the other States concerned.

51. Also at its 232nd meeting, the Committee considered a report from the Islamic Republic of Iran on the interception of an alleged oil-smuggling attempt in its territorial waters. The Committee took note of this information.

52. At the same meeting, the Committee discussed a media report submitted to the Committee by the United Kingdom containing allegations that Belarus had provided military training to Iraqi military officers. The Committee also reviewed a statement by the Belarus Ministry of Foreign Affairs, which denied the allegation. The Committee decided to send a letter to Belarus requesting further clarification. The issue was closed following consideration by the Committee, at its 234th meeting, on 20 May, of a response from Belarus, which once again denied the allegation after conducting further investigations into the matter.

53. On 6 March 2002, the Committee held its 233rd meeting at the request of the United States, which alleged that trucks shipped to Iraq under the oil-for-food programme had been diverted for military use. There was no consensus in the Committee on how to respond to this allegation. Iraq, for its part, addressed a letter

to the Chairman on 3 April 2002 denying the accusation, which the Committee considered at its 234th and 235th meetings, on 20 May and 10 July 2002.

54. Also at its 234th meeting, the Committee considered a letter from the Multinational Interception Force providing detailed information on the number of ships seized or diverted during the previous year for illegal oil-smuggling activities in the Gulf area. In this connection, the United Nations Treasurer confirmed that the number of ships thus seized or diverted was much higher than the number of deposits made to the United Nations escrow account. The Committee decided to write to the three States concerned (the Islamic Republic of Iran, Kuwait and the United Arab Emirates), reminding them of their obligation to deposit into the escrow account the proceeds realized from the sale of illegal Iraqi oil cargoes on those ships.

55. On 31 July 2002, at its 236th meeting, the Committee considered a letter from Switzerland submitting additional information with regard to allegations that the Swiss company Glencore International AG had intended to divert Iraqi oil from its original destination for sale in Europe. The Committee found the response inadequate and decided to write another letter to Switzerland requesting additional documentation relating to the sale of the oil in Europe.

56. On 6 September 2002, at its 238th meeting, the Committee considered a press article submitted to the Committee by the United Kingdom regarding a reported agreement between Iraq and Lebanon to reactivate the Tripoli oil refinery in northern Lebanon, under which it was allegedly planned to use Iraqi oil transported via a restored pipeline through the Syrian Arab Republic. The Committee continued its consideration of the issue at its 240th and 242nd meetings, on 11 October and 11 November, and decided, following the receipt of a letter from Lebanon denying the accusation, that no further action was required on the matter.

57. On 30 September 2002, at its 239th meeting, the Committee considered a letter from the Minister for Foreign Affairs of Ukraine to the President of the Security Council, denying allegations of Ukraine's involvement in the transfer of Kolchuga airspace passive surveillance stations to Iraq and inviting the United Nations to establish the facts. The issue was considered by the Committee a number of times, with additional follow-up communications from Ukraine as well as from the United Kingdom and the United States in the wake of their respective investigations into the matter. During the same period, the Committee received a request from the Permanent Representative of Ukraine to participate in the Committee's consideration of the question. In the absence of agreement on how to proceed with the request of Ukraine and in the light of the contradictory conclusions of the investigations, the Committee decided to keep the item on the agenda while allowing further consultations at the expert level. No consensus on the substance of the matter was reached in the Committee.

58. At its 240th meeting, on 11 October, the Committee also considered letters from the United Kingdom drawing the Committee's attention to an advertisement published on the Internet concerning daily flights between Damascus and Baghdad and to newspaper articles reporting that Bahrain had obtained United Nations approval to operate direct flights between Bahrain and Baghdad. Following a brief discussion on the matter, the United Kingdom informed the Committee that it would like to suspend further discussion until a later stage.

59. Also at its 240th meeting, the Committee considered a letter from the Office of the Iraq Programme bringing to the Committee's attention its correspondence with Iraq regarding the cancellation by the State Oil Marketing Organization of an oil purchase contract with a Swiss company. Following receipt of a press article on the matter submitted by the United States, which indicated that illegal payment could have been made by the Swiss company to Iraq, the Committee continued its consideration of the question at its 242nd and 243rd meetings, on 11 November and 11 December. The Committee decided to write a letter to Switzerland requesting it to investigate the matter.

60. On 5 November 2002, at its 241st meeting, the Committee heard a briefing by the Coordinator of the Multinational Interception Force (MIF) on its activities in the Gulf area, with emphasis on the curbing of oil smuggling from Iraq. MIF reported a significant reduction in illegal oil exports from Iraq by sea over the past year as a result of vigorous and effective monitoring and interception by MIF, but indicated at the same time that oil smuggling was continuing, though on a decreasing scale, in the Gulf area, ports in the United Arab Emirates being the main destination. The Coordinator also expressed concern that the ferry service between Iraq and the United Arab Emirates had been found to be carrying illicit cargo to Iraq. The Committee welcomed the briefing and decided to consider further how to address the issues involved.

61. The Committee considered a letter from Greece at its 234th meeting, on 20 May, concerning a Greek vessel, carrying Iraqi oil authorized by the United Nations, which had been delayed for more than 20 hours because of MIF inspections. The Committee decided to forward the letter to MIF, requesting additional information on the case. Following a response from MIF dated 17 October 2002 which explained the circumstances of the incident, the Committee decided at its 243rd meeting on 11 December to forward the MIF response to Greece for the latter's information.

F. Other matters

Passenger shipping services

62. Ferry services to Iraq had been a major issue on the Committee's agenda in the year 2002. Following a number of requests made earlier by some Gulf States to establish passenger shipping services to Iraq, the Committee continued its consideration of related issues, without reaching consensus.

63. On 28 January 2002, at its 229th meeting, the Committee considered a letter from Oman providing further information about its request made earlier to establish a marine service route to Iraq. At the same meeting, the Committee considered a letter from the United Arab Emirates providing additional information about its land-based monitoring arrangements with regard to its proposed marine service to Iraq. The discussions were inconclusive.

64. On 10 July 2002, at its 235th meeting, the Committee took up requests from Bahrain and Qatar to operate passenger marine services to Iraq. Since the existing ferry service of the United Arab Emirates was, according to the briefing given to the Committee by the Coordinator of the Multinational Interception Force, functioning with some irregularities, the Committee decided to request MIF to provide the Committee with an update regarding the current situation and to keep the items on the agenda until more information became available. At the Committee's 241st

meeting, on 5 November, MIF expressed concern that the ferry service between Iraq and the United Arab Emirates had been found to be carrying large amounts of illicit cargo to Iraq. The Committee thus far has not been able to make progress on any request to establish new marine services to Iraq. Meanwhile, a member of the Committee conveyed to the Committee that the United Arab Emirates is committed to the sanctions regime, and has confirmed on many occasions that it stands ready, in this regard, to solve any problem brought to its attention by the Committee.

Article 50

65. On 28 January 2002, at its 229th meeting, the Committee considered two communications from India, which invoked Article 50 of the Charter of the United Nations. India in the communications provided further information about a proposed wheat-for-oil barter arrangement with Iraq which, in India's view, could address India's economic losses incurred as a result of the United Nations sanctions against Iraq. No consensus was reached and the Committee decided to continue consideration of the issue at informal consultations. At the conclusion of the informals, the Committee, on 28 February, sent a letter to India stating that the Committee had been unable to reach consensus on its oil-for-wheat barter proposal.

66. On 20 May 2002, at its 234th meeting, the Committee considered a response from India, requesting the Committee to state the reasons why it had not been able to reach consensus on its proposal. The Committee decided to ask its Chairman to brief India orally about the Committee's deliberations.

67. On 31 July 2002, at its 236th meeting, the Committee considered a letter from Tunisia to the President of the Security Council. In reference to Article 50 of the Charter, Tunisia requested the Council to take note of the losses Tunisia had incurred, totalling \$7 billion as at May 2002, as a result of the sanctions against Iraq. The Committee agreed to have its Chairman approach the Permanent Representative of Tunisia to hear what kind of response, if any, he was expecting from the Committee. There has been no further development on the matter.

Transfer of used equipment to Iraq

68. On 20 May 2002, at its 234th meeting, the Committee considered a request by the Department of Economic and Social Affairs of the United Nations Secretariat to transfer used equipment to Iraq. The Committee agreed to the request subject to UNMOVIC verification that none of the items were found to be on the 1051 list.⁵

69. On 11 October and 11 November 2002, at its 240th and 242nd meetings, the Committee considered some lists of written-off supplies and equipment, suggested by the Office of the Iraq Programme for transfer either to the Government of Iraq or to the three northern governorates, some items on a loan basis. The Committee continued its consideration of the proposal at the ensuing expert meetings. A definitive response on the matter is still pending.

Concerns of suppliers in the light of the current situation regarding Iraq

70. On 11 November and 11 December 2002, at its 242nd and 243rd meetings, the Committee considered two communications from Australia voicing concern about the perceived war risks with regard to doing business with Iraq, and requesting changes to the administrative arrangements of the Office of the Iraq Programme to

protect the interests of Australian wheat suppliers. The Committee considered the matter briefly and decided not to pursue the matter any further in view of its hypothetical nature.

III. Conclusions and observations

71. During the reporting period, the volume of the Committee's work continued to increase, as it deals with a variety of technically complex and politically sensitive issues. To ensure effective implementation of the arrangements set out in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986 (1995), the Committee is committed to continuing to work closely with the Office of the Iraq Programme and all other offices concerned to expedite the processing of humanitarian contracts and the delivery of humanitarian supplies to Iraq. In the light of the new developments on the Iraq question, in particular the adoption of resolution 1441 (2002) on 8 November 2002 and resolution 1454 (2002) on 30 December 2002, the Committee for its part will make continuous efforts to address the humanitarian situation in Iraq as well as other sanctions-related issues within the framework of relevant Security Council resolutions.

72. As in the past, the Committee wishes to express its gratitude to Member States, international organizations, the United Nations Secretariat and all those concerned for their consistent support and cooperation in fulfilling the Committee's mandate under relevant Security Council resolutions.

Notes

¹ More information or clarification is required to complete the review. An application becomes inactive if the requested information or clarification is not received after 90 days.

² The supplier has been notified about item(s) on the list; response is pending.

³ Experts have identified item(s) on the list.

⁴ The supplier has failed to submit a petition following the initial denial by the Committee.

⁵ The list of items notified to the Committee under the export/import control mechanism established pursuant to resolution 1051 (1996).



Security Council

Distr.: General
12 March 2003
English
Original: French

**Letter dated 11 March 2003 from the Secretary-General addressed
to the President of the Security Council**

Pursuant to Security Council resolution 1244 (1999), I have the honour to transmit to you herewith the report on the international security presence in Kosovo covering the period from 1 to 31 January 2003 (see annex).

I should be grateful if you would arrange to bring this report to the attention of the members of the Security Council.

(Signed) Kofi A. Annan



Annex

[Original: English]

Monthly report to the United Nations on the operations of the Kosovo Force

1. Over the reporting period (1-31 January 2003) there were just over 27,200 troops of the Kosovo Force (KFOR) in theatre.

Security

2. Although the overall security situation in Kosovo during the month of January was generally stable, several violent incidents were reported. The possible political motivation of some of those incidents is of particular concern.

3. In the final week of January, United Nations Interim Administration Mission in Kosovo (UNMIK) police and members of the Kosovo Police Service (KPS) were subjected to acts of intimidation on several occasions by Kosovo Serbs in northern Mitrovica. On 4 January, a former colonel in the "Armed Forces of the Republic of Kosovo" (FARK), Tahir Zemaj, his son and another family member were shot and killed in an ambush near Pec. Zemaj had been the target of several assassination attempts in the past. Recently he had been a witness in a trial against the brother of Alliance for the Future of Kosovo (AAK) leader Ramush Haradinaj and other former members of the FARK rival organization, the Kosovo Liberation Army (KLA), who were tried and sentenced in December 2002 for the ambush, abduction and murder of four Kosovo Albanians. The investigation into the killing of Zemaj continues.

4. On 2 January, a breakout at the Dubrava prison was foiled. That incident had been preceded by a breakout on 31 December when seven people escaped and were later caught by KFOR military police and turned over to UNMIK police.

5. On 22 January, an anti-tank rocket was fired at close range at the UNMIK police station in Pec. Although the building was slightly damaged, no one was injured. On 31 January, UNMIK police arrested six people on suspicion of carrying out the attack; three were subsequently detained for weapons offences and further investigation.

6. KFOR continued to carry out Kosovo-wide search operations in its campaign against weapons smuggling and terrorist activities.

7. Weapons and ammunition were seized daily. Items confiscated during the month included 117 assorted weapons; 101 grenades and mines; and 11,007 rounds of ammunition.

8. On 10 January, KFOR and Yugoslav Army authorities signed an agreement on temporary operating procedures following a further relaxation of the air safety zone from 10 to 5 kilometres.

9. On 28 January, a KFOR team of specialists concluded that the storage site at the Trepca factory in Leposavic was dangerous, when containers of cyanide were found to be emitting gases. Although there was no immediate risk to KFOR personnel and local employees, protective measures were taken and KFOR specialists repackaged the cyanide containers.

Border/boundary security

10. KFOR continued to monitor border and boundary security during the reporting period. KFOR intercepted 113 persons attempting to cross borders illegally. Most were ethnic Albanians attempting to enter Kosovo from Albania and from the former Yugoslav Republic of Macedonia.^a

Cooperation and compliance by the parties

11. Security forces of the Federal Republic of Yugoslavia^b continued to remain in compliance with the terms and conditions of the Military Technical Agreement.

12. On 31 January, KFOR conducted an unannounced Kosovo Protection Corps (KPC) roll-call simultaneously at all sites across the province. KPC cooperated fully during the operation. Eighty-two KPC members^c were absent without justification, out of a total of 3,048 on the active list. Those absent will be investigated by KFOR for non-compliance.

13. Twelve cases of non-compliance were reported during the month. They related to breaches of the KPC disciplinary code and included absenteeism, insubordination, assault and illegal possession of weapons.

14. As a result of promotion ceremonies held without the authorization of KFOR and UNMIK, the Commander of KPC has been told that any rank changes and appointments made during these unauthorized ceremonies are to be considered provisional until formal approval is given by UNMIK. In addition, following a campaign of posters and calendars depicting KPC as being involved in military activities, the Commander of KPC has been officially warned by UNMIK and KFOR that any publicity issued should depict KPC as a civilian organization.

15. Fifty cases of non-compliance remained open at the end of January.

Cooperation with international organizations

16. KFOR continues to provide assistance, on request, to international organizations and non-governmental organizations working throughout Kosovo, and to provide security assistance in support of UNMIK police operations.

Outlook

17. The overall security situation in Kosovo remains stable, despite continued localized acts of vandalism, intimidation and violence.

^a Turkey recognizes the Republic of Macedonia with its constitutional name.

^b As of 4 February 2003, the name of the State of the Federal Republic of Yugoslavia was changed to "Serbia and Montenegro".

^c This number included the only three Kosovo Serb members of KPC.

**Security Council**

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Letter dated 11 March 2003 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you a request for the retention, among the list of proposed questions on the agenda of the Security Council for the year 2003, of the item entitled "Letter dated 3 December 1971 from the Permanent Representatives of Algeria, Iraq, the Libyan Arab Republic and the People's Democratic Republic of Yemen to the United Nations addressed to the Secretary-General (S/10409)", concerning the question of the occupation by the Islamic Republic of Iran of three islands belonging to the United Arab Emirates, namely the Greater Tunb, the Lesser Tunb and Abu Musa, until a just, comprehensive and lasting settlement of the related conflict is achieved by peaceful means through direct negotiation or through recourse to the International Court of Justice and in a manner that guarantees international and regional peace, security and stability.

Accept, Sir, the assurances of my highest consideration.

(Signed) Abdulaziz Nasser R. Al-Shamsi
Permanent Representative



**Security Council**

Distr.: General
12 March 2003

Original: English

Letter dated 11 March 2003 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

The Government of the Republic of Rwanda would like to reply to the press communiqué of the Government of the Democratic Republic of the Congo concerning the situation in Ituri contained in the annex to the letter dated 10 March 2003 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council and circulated as a document of the Security Council (S/2003/291).

The Government of the Republic of Rwanda cannot be associated with the situation in the Ituri region for the following reasons:

1. The Rwandan Defence Forces made a total withdrawal from the Democratic Republic of the Congo last year, more precisely on 5 October 2002. This total withdrawal was confirmed by the report of the third-party verification mechanism, which includes representatives of the Secretary-General, the United Nations Organization Mission in the Democratic Republic of the Congo and South Africa.

2. The situation in Ituri is a creation of the United Nations, the Government of the Democratic Republic of the Congo and the Government of Uganda. The Ugandan People's Defence Force (UPDF) is operating in the Ituri region under the mandate of the United Nations. Rwanda never endorsed the stay of some foreign forces in the Ituri region. That is why Rwanda cannot be responsible for the violation of human rights prevailing in that country.

3. Rwanda as a peace-loving country would commend the immediate total withdrawal of UPDF from the Democratic Republic of the Congo and more precisely from the Ituri region and according to the Lusaka Agreement, the Government of the Democratic Republic of the Congo troops must not be in the Ituri region.

4. The United Nations must shoulder its responsibilities in the Ituri region by protecting the civilian population and by demanding that UPDF and the Forces armées Congolaises (FAC) quit immediately and unconditionally the Ituri region of the Democratic Republic of the Congo.

5. The Government of the Republic of Rwanda requests the Security Council to exert its influence on the Government of the Democratic Republic of the Congo, the Government of Uganda, and all Congolese rebels to implement fully all



the agreements they have signed in order to achieve peace and security in the Great Lakes Region.

6. The unsubstantiated claims by the Government of the Democratic Republic of the Congo in paragraph 5 of its press communiqué is intended to divert the opinion of the international community from the reality on the situation in the Ituri region. The whole truth is that the Rwandan Defence Forces are not in the Ituri region or anywhere else in the Democratic Republic of the Congo territory. Therefore it is clear Rwanda cannot fight with Uganda in the Ituri region or anywhere in the Democratic Republic of the Congo territory for the simple reason that Rwandan troops left the Democratic Republic of the Congo in October 2002.

My Government would be grateful if this reply could be circulated as a document of the Security Council.

(Signed) Stanislas Kamanzi

Ambassador

Permanent Representative of the Republic of Rwanda
to the United Nations



Security Council

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12 March 2003
English
Original: Arabic

Identical letters dated 10 March 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

On instructions from my Government, I wish to transmit to you herewith the daily report on the activities carried out by the inspection teams of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) in Iraq on 10 March 2003.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Mohammed A. Aldouri
Permanent Representative



Annex to the identical letters dated 10 March 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

Activities of the IAEA and UNMOVIC inspection teams in Iraq

Inspection activities on Monday, 10 March 2003

I. IAEA inspection team

The team left the Canal Hotel at 9.30 a.m. and went to the Tuwaythah site belonging to the Atomic Energy Organization where it made a radiometric survey using vehicle-borne equipment of all the buildings and roads at the site in order to detect any proscribed radioactivity. The team concluded its mission, which lasted six hours, and then returned to the Canal Hotel.

II. UNMOVIC inspection team (missiles)

Group I

The group left the Canal Hotel at 8.30 a.m. and went to the site of the Technical Battalion at Taji. The group supervised the destruction of six Samoud 2 missiles and three warheads. The group then went to the Harith State Company which belongs to the Military Industrialization Corporation (MIC). The team tagged a number of air-to-air missiles that were at the company for maintenance. The group concluded its mission, which lasted six hours, and then returned to the Canal Hotel.

Group II

The group left the Canal Hotel at 8.30 a.m. and went to the Karamah State Company which belongs to MIC. The group made an inventory of Samoud 2 missile parts in preparation for their destruction. The group concluded its mission, which lasted three and a half hours, and then returned to the Canal Hotel.

III. UNMOVIC inspection team (chemical)

The team left the Canal Hotel at 8.40 a.m. and went to the tannery belonging to the Leather Industries State Company. The team interviewed officials of the tannery, asking them about the nature of the work, the volume of production, the sources of raw materials, the monthly consumption of chemicals and the number of workers with higher education diplomas. The team then inspected all the facilities of the tannery. The team concluded its mission, which lasted two hours, and then returned to the Canal Hotel.

IV. UNMOVIC inspection team (biological)

Group I

The team left the Canal Hotel at 8.30 a.m. and went to the burial site for destroyed bombs in the Aziziyah area. The team supervised the excavation process, asked about the bombs that had been retrieved that day and on the previous day and then made a full inventory of the bombs. The group concluded its mission, which lasted two hours, and then returned to the Canal Hotel.

Group II

The group left the Canal Hotel at 9 a.m. and went to the Nahrawan branch of the Mesopotamia Company which comes under the Ministry of Agriculture. The group interviewed officials of the site, asking them about the date of the site's construction, its main activities, the types of lorries used to transport seeds to the site, the number of employees at the site and whether it had a laboratory for analyses. The group concluded its mission, which lasted one hour, and then returned to the Canal Hotel.

V. UNMOVIC joint inspection team in Baghdad

The team left the Canal Hotel at 8.40 a.m. and went to the Mechanical Industries Company which comes under the Ministry of Industry. The team interviewed officials of the company, asking them about the company's current work, its main products and the link between the company and military industries. The team then inspected the facilities of the company and then went to the Hattin State Company which belongs to MIC. The team interviewed officials of the company, asking them about the types of munitions produced, the number of staff, and the authorities that received the company's output. The team then inspected all the installations of the company and concluded its mission, which lasted two hours and twenty minutes, and then returned to the Canal Hotel.

VI. Mirage reconnaissance aircraft

The Mirage-4 reconnaissance aircraft entered Iraqi airspace at 9.35 a.m. and left at 11.45 a.m. The aircraft then re-entered Iraqi airspace at 12.35 p.m. and left at 1.45 p.m. The aircraft made a reconnaissance of numerous areas of Iraq. The reconnaissance lasted three hours and twenty minutes.

VII. Interviews

UNMOVIC requested a private interview with an Iraqi specialist in a Baghdad hotel. The National Monitoring Directorate told the official concerned to attend at the specified place and time and encouraged him to have the interview, which then took place.



Security Council

Distr.: General
12 March 2003

Original: English

Letter dated 11 March 2003 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

At a time when the United Nations Security Council is considering the report of the Secretary-General of 6 March 2003 (S/2003/257) concerning the peace process on the border conflict between Eritrea and Ethiopia, I have the honour to forward a letter addressed to you from Mr. Ali Said Abdella, Minister for Foreign Affairs of Eritrea, which I received today, 11 March 2003 (see annex).

I should be grateful if you would kindly circulate the present letter and its annex as a document of the Security Council.

(Signed) Ahmed Tahir **Baduri**
Ambassador
Permanent Representative



Annex to the letter dated 11 March 2003 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

Letter dated 11 March 2003 from the Minister for Foreign Affairs of Eritrea addressed to the President of the Security Council

Allow me to bring to your attention, and through you to the Security Council, recent developments that may unravel the whole peace process and plunge my country into another needless war at this propitious time when the Security Council is about to convene a meeting to consider the extension of the mandate of the United Nations Mission in Ethiopia and Eritrea (UNMEE).

You will have been informed of the litany of obstructions that Ethiopia has wilfully perpetrated in the past six months to impede the preparatory fieldwork of demarcation in violation of the Demarcation Directions of the Eritrea-Ethiopia Boundary Commission. The violations range from the provocative threat of shooting down the Boundary Commission's helicopter carrying foreign private contractors and Commission personnel, to blunt refusal to issue flight permits in breach of its obligations under the Demarcation Directions as well as relevant Security Council resolutions. Ethiopia is also placing the lives of Eritrean civilians and UNMEE personnel at grave risk by laying fresh landmines in the Temporary Security Zone either directly or through armed surrogates that it is infiltrating across the borders.

Distressing and unacceptable as these acts are, the developments are much more grave. The disturbing fact is that Ethiopia has publicly stated, through its highest authorities, that it will not accept the delimitation decision of the Boundary Commission.

Indeed, in spite of the transparent attempt to coach it in confusing language, the words of the Prime Minister (and the Minister for Foreign Affairs), that "if Ethiopia's concerns were not properly addressed, Ethiopia might eventually reject the demarcation-related decisions of the Commission" leave no doubt as to their real intentions. The fact is the determination-related decisions of the Boundary Commission are a corollary of, and cannot be decoupled from, the delimitation decision. Ethiopia is thus, in practice, rejecting the delimitation decision of the Boundary Commission. Indeed, the Boundary Commission, in its report, has expressed, in very measured language, disquiet about Ethiopian demands that "appear, despite protestations to the contrary, to undermine not only the April Decision but the peace process as a whole" (see S/2003/257, annex I, para. 5).

The implications and consequences of this position cannot be downplayed. In practice, Ethiopia is rejecting the sanctity of colonial boundaries, which is a cardinal principle of the Organization of African Unity (and the African Union) and one of the main pillars of the Framework Agreement.

Ethiopia's threat to reject the delimitation decision further constitutes a serious violation of the Algiers Peace Agreement (A/55/686-S/2000/1183, annex), which stipulates, explicitly, in article 4.15 that the decisions of the Boundary Commission are "final and binding". It must be pointed out here that the Commission's decision did not give either party everything it wanted and in particular gave substantial Eritrean territory to Ethiopia in the various portions of the boundary. But both

parties are bound by it, and there can be no question now of it being reopened, which would amount to unravelling the whole process. Eritrea has cooperated so far in the implementation of the decision and will continue to do so, but there can be no question of any revision of the 13 April 2002 Decision (S/2002/423, annex), which is binding on both parties.

Ethiopia's provocative public pronouncement that it may eventually reject the Boundary Commission's decision, coupled with its recent legal submission to the Boundary Commission to reopen the litigation, is thus a recipe for conflict and war. You will agree with me that this poses a serious threat to regional peace and security, which warrants preventive measures by the Security Council. In addition, the United Nations, together with the Organization of African Unity (now the African Union), is a guarantor of the Algiers Peace Agreements and is bound to take, in accordance with paragraph 14 (a) of the Algiers Peace Agreement on Cessation of Hostilities (S/2000/601, annex), necessary measures on the basis of Chapter VII of the Charter of the United Nations on the party or parties that violate the Algiers Peace Agreements.

The international community has invested enormous resources for the peacemaking operations in Eritrea and Ethiopia. Not only has it deployed an international peacekeeping force that has so far cost close to half a billion dollars, but United Nations Member States have also contributed generously to the Trust Fund established to carry out the delimitation and demarcation processes. Eritrea is profoundly grateful for the goodwill and support of the international community. These endeavours and the efforts of the United Nations Mission in Ethiopia and Eritrea, which has been a resounding success so far, should not be squandered at the last hour because of Ethiopia's desire to flaunt international law in defiance of the resolutions of the Security Council. In the event, it is imperative that the Council send a firm and unequivocal message to Ethiopia; telling it in clear terms to abide by the Decision of the Boundary Commission and to cooperate faithfully in its implementation or face serious consequences.

In conclusion, let me again emphasize the perils of laxity at this critical time. I say this because of our experience in the year 2000 when the international community missed the clear signals coming out of Ethiopia and failed to prevent the war. Second-guessing Ethiopia or attributing its unacceptable behaviour to posturing or domestic considerations cannot, thus, be justifiable this time round. Moreover, it can only set a dangerous precedent, as it will prompt others to flaunt binding arbitrations under suitable pretexts.

(Signed) Ali Said **Abdella**
Minister of Foreign Affairs
The State of Eritrea



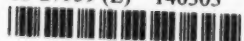
Security Council

Distr.: General
12 March 2003
English
Original: Spanish

Letter dated 12 March 2003 from the Permanent Representative of Honduras to the United Nations addressed to the President of the Security Council

I have the honour to inform you that, on instructions from my Government, I am requesting that memorandum No. 017 DSM, dated 10 March 2003, from the Minister for Foreign Legal Affairs of the Ministry of Foreign Affairs of the Republic of El Salvador, Ambassador Aníbal Quiñones A., addressed to Her Excellency Ms. María Eugenia Brizuela de Ávila, Minister for Foreign Affairs of the Republic of El Salvador, concerning the Judgment issued by the International Court of Justice in the Honduras/El Salvador case (see annex), be circulated as a document of the Security Council.

(Signed) **Manuel Acosta Bonilla**
Ambassador
Permanent Representative



Annex to the letter dated 12 March 2003 from the Permanent Representative of Honduras to the United Nations addressed to the President of the Security Council

Memorandum No. 017-DSM

Tegucigalpa, 10 March 2003

Madam,

I have the honour to acknowledge receipt of your note dated 11 March, i.e., tomorrow, attaching the letter which you sent to the Pan American Institute of Geography and History concerning the demarcation of the boundary delimited by the Chamber of the International Court of Justice on 11 September 1992.

With regard to the content of the aforesaid note, I am compelled to make the following points and observations:

1. Notwithstanding the fact that 10 days had elapsed since the Judgment delimiting the land boundary had been issued, El Salvador showed resistance to demarcating the said boundary during that entire time.

2. This forced the Government of Honduras to request the United Nations Security Council to take action and provide assistance, under Article 94, paragraph 2, of its Charter, for the enforcement of the Judgment.

3. In order to comply with the Judgment despite the fact that 10 days had elapsed, the presidents of the two republics in September 2002 called on the El Salvador-Honduras Special Demarcation Commission to carry out an accelerated programme of demarcation of all sectors of the boundary delimited by the 1992 Judgment, without exception.

4. Since El Salvador had for 10 days refused to demarcate the boundary delimited by the International Court of Justice, it was not until October 2002 that the reconnaissance visits prior to demarcation were initiated.

5. For the Government of Honduras, the small differences that had been noted up to October 2002 between the coordinates fixed by the International Court of Justice and the geographical accidents identified are natural and inherent in a delimitation process. It is for this reason that the Agreement to Establish the Special Demarcation Commission, which governs this activity, states in its final preambular paragraph that "demarcation is a technical implementation process that defines on the ground the terms of a previously established delimitation".

6. Domestic legal provisions cannot be invoked in order to evade compliance with a judgment of the International Court of Justice which, pursuant to Article 60 of its Statute, is "final and without appeal".

Her Excellency Ms. María Eugenia Brizuela de Ávila
Minister for Foreign Affairs
Republic of El Salvador

7. The Government of Honduras presumes, although the aforesaid note does not expressly say so, that the Government of El Salvador has submitted its request to the Pan American Institute of Geography and History, invoking article 25 of the General Peace Treaty, as that is the only treaty provision in force between the two countries which expressly confers competence on the said Institute to rule on demarcation issues affecting the common boundary between the two countries.

8. I must point out that within that legal framework your request is time-barred, since 30 days have not elapsed since the parties failed to reach agreement on the appointment of a third arbiter, as provided for in the aforesaid article 25.

(Signed) Anibal Quiñones A.



Security Council

Distr.: General
12 March 2003
English
Original: Spanish

Letter dated 12 March 2003 from the Permanent Representative of Honduras to the United Nations addressed to the President of the Security Council

I have the honour to inform you that, on instructions from my Government, I am requesting that memorandum No. 017 DSM, dated 10 March 2003, from the Acting Minister for Foreign Affairs of the Republic of El Salvador, Ambassador Aníbal Quiñones A., addressed to Her Excellency Ms. María Eugenia Brizuela de Ávila, Minister for Foreign Affairs of the Republic of El Salvador, concerning the Judgment issued by the International Court of Justice in the Honduras/El Salvador case (see annex), be circulated as a document of the Security Council.

(Signed) **Manuel Acosta Bonilla**
Ambassador
Permanent Representative

* Reissued for technical reasons.



Annex to the letter dated 12 March 2003 from the Permanent Representative of Honduras to the United Nations addressed to the President of the Security Council

Memorandum No. 017-DSM

Tegucigalpa, 10 March 2003

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(Signed) Aníbal Quiñones A.



Security Council

Distr.: General
27 March 2003
English
Original: Spanish

Letter dated 12 March 2003 from the Permanent Representative of Honduras to the United Nations addressed to the President of the Security Council

I have the honour to inform you that, on instructions from my Government, I am requesting that memorandum No. 017 DSM, dated 10 March 2003, from the Acting Minister for Foreign Affairs of the Republic of Honduras, Ambassador Anibal Quiñones A., addressed to Her Excellency Ms. Maria Eugenia Brizuela de Ávila, Minister for Foreign Affairs of the Republic of El Salvador, concerning the Judgment issued by the International Court of Justice in the Honduras/El Salvador case (see annex), be circulated as a document of the Security Council.

(Signed) Manuel **Acosta Bonilla**
Ambassador
Permanent Representative

** Second reissued for technical reasons.



Annex to the letter dated 12 March 2003 from the Permanent Representative of Honduras to the United Nations addressed to the President of the Security Council

Memorandum No. 017-DSM

Tegucigalpa, 10 March 2003

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Her Excellency Ms. María Eugenia Brizuela de Ávila
Minister for Foreign Affairs
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8. I must point out that within that legal framework your request is time-barred, since 30 days have not elapsed since the parties failed to reach agreement on the appointment of a third arbiter, as provided for in the aforesaid article 25.

(Signed) Aníbal Quiñones A.



Security Council

Distr.: General
12 March 2003

Original: English

**Letter dated 10 March 2003 from the Chairman of the
Security Council Committee established pursuant to resolution
1373 (2001) concerning counter-terrorism addressed to the
President of the Security Council**

I write with reference to my letter of 2 January 2003 (S/2003/26).

The Counter-Terrorism Committee has received the attached third report from Pakistan submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) **Jeremy Greenstock**
Chairman

Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism



Annex to the letter dated 10 March 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

Letter dated 25 February 2003 from the Permanent Representative of Pakistan to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

With reference to your letter dated 25 November 2002, I am enclosing additional information sought by the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001) of the United Nations Security Council (see enclosure). It may be noted that our reply to question 1.15 will be provided later.

(Signed) Munir Akram

Enclosure

Supplementary report of Pakistan to the Counter-Terrorism Committee of the Security Council

Following are responses to the questions based on additional information provided by Pakistan to the Counter-Terrorism Committee on 11 July 2003

Paragraph 1.2

Q. Effective implementation of paragraph 1 requires that funds and other financial assets or economic resources of persons who commit or attempt to commit terrorist acts or participate in or facilitate the commission of terrorist acts are frozen without delay. Section 11 E of the Anti Terrorism Act 1997 provides for the freezing of the accounts of a 'proscribed organization' but depends for its operation on the making of an order adding the name of the organization to the First Schedule and does not, therefore apply to persons or entities identified generically. Section 110 of that Act enables an 'authorized officer' to detain only 'cash recovered' that is intended, or suspected of being intended, for terrorism but does not appear to allow the officer to deal with other property, such as financial instruments and other valuables, that can be cashed and used for terrorism or with cash that is not actually 'recovered', such as cash in a bank account. Is it the intention of Pakistan to include provisions addressing these aspects in the proposed law on money laundering and terrorist financing so as to fully comply with the requirements of paragraph 1 of the Resolution?

Response. The subject of terrorist financing has been removed from the scope of the draft anti-money laundering law after much consideration, since conceptually money laundering and terrorist financing are different issues.

- The proscription of an organization under the Anti Terrorism Act 1997 involves its notification by the Federal Government for including the name of the organization in the First Schedule of the Act. This is administrative action that is an effective and efficient method of proscribing an organization.
- Section 110 (c) of the Anti Terrorism Act 1997 read with Section 2 (z) (aa) (i) (a) & ii (b) of the Act defines terrorist property to include "any money or other property which is applied or made available, or is to be applied or made available, for use by the organization, and includes assets of any kind, whether tangible or intangible, movable or immovable, and legal documents or instruments in any form, whether written electronic or digital, and shares, securities, bonds, drafts and letters of credit."
- The above definition, therefore, comprehensively covers all financial instruments and other valuables that can be cashed and used for terrorism.
- Cash at the bank of organizations is frozen pursuant to their designation as terrorist organizations by the Security Council under its Consolidated List of Individuals and Entities pursuant to Resolutions 1267, 1333 and 1390. Also, it is frozen under Section 11 E of the Anti Terrorism Act 1997 after proscription of the organizations under the Act.

Paragraph 1.3

Q. The report mentioned that the draft law on Money Laundering and Terrorist Financing 'defines the offence of terrorist financing and makes it a predicate offence for purposes of money laundering'. The CTC would be grateful for confirmation that:

- *The provisions defining the offence of terrorist financing will extend to financial activity that relates to actual, proposed or potential acts of terrorism outside, as well as within, Pakistan, and,*
- *The provisions that make terrorist financing a predicate offence for money-laundering purposes will apply whether the acts of terrorist financing take place within Pakistan or outside.*

Response. As stated above the subject of terrorist financing has been removed from the scope of the draft anti-money laundering law.

- Sections 11J and 11K of the Anti Terrorism Act 1997 make terrorist financing a predicate offence for actual, proposed or potential acts of terrorism.
- The above sections of the Anti Terrorism Act 1997 when read with Section 3 of the Penal Code of Pakistan (PPC) extend the application of the above Sections to offences committed outside Pakistan.

Paragraph 1.4

Q. Could Pakistan please explain whether the existing provisions or the proposed law would enable the authorities in Pakistan to freeze funds, financial assets or economic resources of persons or entities, either resident or non-resident, on the request of another member state on the grounds that they are linked to terrorist acts or in those cases where they are linked to terrorism even though no terrorist act has yet been attempted or committed.

Response. At present there is no provision in Law that allows the Government to freeze funds, financial assets or economic resources of suspected persons or entities, either resident or non-resident, on the request of another State. In any case, in all countries, where this may be possible, the laws and the courts are involved to authorise such procedures to give them local cover, and appeals are also part of this process, of the rule of law.

Paragraph 1.5

Q. The CTC would be grateful for a progress report on:

- *the enactment of the law on money laundering and terrorist financing;*
- *the issue of the Ordinance to amend the Exchange Regulation Act; and*
- *the establishment, and commencement of operations , of the proposed national Financial Intelligence Center; and*
- *a copy of, or an Internet reference for, the texts of those proposed laws as soon as practicable after they become available for release into the public domain.*

Response. As stated above the subject of terrorist financing has been removed from the scope of the draft anti-money laundering law.

- Anti-Money Laundering (AML) law is still under process.
- The amendment allowing for formulation of exchange companies is now in place with the enactment of the Ordinance to amend the Foreign Exchange Regulation Act.
- The establishment of Financial Intelligence Unit (FIU) will be under the provisions of the AML law. The proposed law under section 14 states that "the Federal Government shall establish, by notification in official gazette, the Financial Intelligence Bureau under the general supervision of the Minister of Finance".

Paragraph 1.6

Q. In response to the question in the letter of 18 April 2002 whether financial intermediaries outside the main financial sector (e.g lawyers) are required to report suspicious financial transactions to the authorities, the supplementary report states that, on the bases of the concept of the privileged lawyer-client communication, there are, at present, no laws in Pakistan requiring lawyers to report suspicious transactions. Since there are situations in which lawyers act for clients in the role of brokers rather specifically as legal advisers and their other professions (e.g accountants, stockbrokers) who act on occasion as financial sector, the CTC would be grateful for information on any existing or proposed requirements in Pakistan for the reporting by those intermediaries of suspicious transactions that come to their notice outside a privileged relationship.

Response. Section 11(L) of the Anti Terrorism Act 1997 provides for disclosure of information regarding the commission of terrorist offences. The Section, however, is not applicable to professional legal advisors who obtain any such information in privileged circumstances. The text of the provision is given as under:

(1) Where a person –

- (a) believes or suspects that another person has committed an offence under this Act; and
- (b) bases his belief or suspicion on information which comes to his attention in the course of a trade, profession, business or employment, he commits an offence if he does not disclose to a police officer as soon as is reasonably practicable his belief or suspicion, and the information on which it is based.

(2) It is a defence for a person charged with an offence under sub-section (1) of this section to prove that he had a reasonable excuse for not making the disclosure:

Provided that this sub-section does not require disclosure by a professional legal advisor of any information which he obtains in privileged circumstances.

(3) A person may disclose to a police officer:

- (i) A suspicion or belief that any money or other property is terrorist property, or is derived from terrorist property; or
- (ii) any matter on which the suspicion is based.

(4) Sub-section (3) shall have effect notwithstanding any restriction on the disclosure of information imposed by any law for the time being in force.

Paragraph 1.7

Q. Please confirm whether Madrasah Registration Ordinance 2002 is now in force. Does it, as an Ordinance, have effect for only a limited time? If so, what plans are there for longer-term legislation regulating madrasahs?

Response: Ministry of Religious Affairs, in consultation with the Ministry of Interior, prepared the Deeni Madaris Ordinance. Following recent elections and the formation of the National Assembly, the draft law has to be approved by the Parliament.

The institution of the Madrasah, has historically, in Islamic culture, played an important role in the educational development of Muslims. In Pakistan, Madrasah's also perform an important social service of providing education. In order to avoid, the misuse of the Madrasah, while awaiting the enactment of the law, the Government has implemented far reaching administrative actions to regulate and streamline their activities through compulsory audits to determine the exact sources of finances at the disposal of the Madaris.

Paragraph 1.8

Q. Effective implementation of paragraph 2 of the Resolution requires that recruitment to terrorist groups and supply of weapons to them be suppressed. The definition of 'terrorism' contained in section 6 of the Anti-terrorism Act 1997 does not appear to extend to acts that are directed against other Member States or their citizens. Similarly, Section 11V of the Anti-terrorism Act refers to the 'instigation or the commission of acts of terrorism'. In terms of definition in section 6, these acts are criminalized only if they are directed against the Government or the public. 'Government' is defined in paragraph f) of section 2 as 'the Federal or, as the case may be, the Provincial Government'. The CTC would be grateful to know how Pakistan would deal with the recruitment of persons, or the supply of weapons, in Pakistan to terrorists or terrorist groups operating outside the territory of Pakistan.

Response: The application of Section 11V of the 1997 Anti Terrorist Act adequately covers all such situations where terrorist activity is suspected whether undertaken against the State or outside the state to other areas and territories not directly controlled by Pakistan. The Government of Pakistan is not allowing any terrorist unit or cell to operate from its territory against another state. This has been reiterated on countless occasions at the highest of levels. It would also be important to take into consideration Section 121 and 125 of the Penal Code that deals with commission of crimes outside the jurisdiction of Pakistan.

As regards disarmament of the terrorist groups, the Government launched a de-weaponization campaign, especially of illegal weapons/arms and has imposed a ban on the display of weapons to discourage an arms culture. So far 230216 illegal weapons have been recovered (January 2003). The campaign is continuing and has helped reduce weapon possession in Pakistan.

Paragraph 1.9

Q. As regards provision of early warning on anticipated terrorist acts, it is stated in the first report that Pakistan exchanges information through INTERPOL and, in the supplementary report, that Pakistan exchanges information with countries with which it has extradition treaties and with "other coalition member countries." How, and in what circumstances, would Pakistan directly exchange of information with other countries, as contemplated by sub-paragraph 2(b)?

Response: Pakistan regularly exchanges information with all friendly and non hostile States, whether they are coalition partners and have signed extradition treaties with Pakistan or not. Such information is provided to these countries through their embassies/consulates in Pakistan and through our embassies in these countries as well as in accordance with arrangements under various international organizations such as INTERPOL and the United Nations.

Pakistan is always ready to cooperate with all states towards furthering the international objectives against illegal transactions of dangerous substances, technology, scientists, equipment and information against terrorists indulging in such and other illegal activities. These actions of the Pakistan Government also help in tracing and subsequent arrests of criminals involved in terrorist activities.

Paragraph 1.10

Q. Effective implementation of Sub-paragraphs 2(d) & (e) requires the criminalization of the use of Pakistan territory for the purpose of committing terrorist acts against other states or their citizens or for the purpose of financing, planning and facilitating of terrorist acts against other states or their citizens, even if the related terrorist acts have not been attempted or committed. Please provide an outline of the provisions, if any in this regard or, if there are none, of the action that Pakistan proposes to take in this regard.

Response: Pakistan has been a victim of terrorist acts. We are against all kinds of terrorism that is state-terrorism, cross-border terrorism and international terrorism and are committed not to allow any person or organization to use Pakistan's soil for the acts of terrorism.

Sections 11-H to 11-K of the Anti Terrorism Act 1997 specifically criminalize various forms of terrorist financing, including directly and indirectly inciting others to finance and aiding and abetting. In order to make the anti-terrorism Act more effective, further amendments in Anti-Terrorism Act 1997 are being made.

Paragraph 1.11

Q. The supplementary report mentions, in response to the question in the letter of 18th April 2002 regarding the competence of Pakistan courts, that section 3 of the Penal Code provides that 'any person liable, by any Pakistani Law, to be tried for any offence committed beyond Pakistan shall be dealt with according to the provisions of this Court for any act committed beyond Pakistan in the same manner as if such act had been committed within Pakistan'. By what provisions are persons who are neither Pakistani citizens nor servants of the Government of Pakistan made "liable...to be tried for (an) offence committed beyond Pakistan" that is not committed against Pakistan? Please confirm that foreign fugitives found in Pakistan who are alleged to have committed or attempted terrorist crimes outside Pakistan will be either brought to justice in Pakistan or extradited.

Response. As regards the question that the foreign fugitives found in Pakistan who are alleged to have committed or attempted terrorist crimes outside Pakistan will be either brought to justice in Pakistan or extradited, it is stated that Section 11 V of the Anti Terrorism Act, 1997 read with Section 4 of the Pakistan Penal Code (PPC) and Section 188 of Criminal Code of Pakistan (Cr. PC) prevent support within Pakistan to acts of terrorism carried out or proposed to be carried out elsewhere. Under Section 11 V(2) of the Anti

Terrorism Act, 1997, a person guilty of an offence under sub section (1) shall be liable on conviction to imprisonment for a maximum term of 07 years and to forfeiture or confiscation of his assets within or outside Pakistan. Besides Pakistan has Extradition Agreements with 27 countries, and, therefore, may extradite the person who is found to have committed or attempted terrorist crimes outside Pakistan."

Paragraph 1.12

Q. Sub paragraph 2 (f) requires Member States to afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support to terrorist acts, including assistance to obtaining evidence in their possession necessary for the proceedings. What plans does Pakistan have for making it possible to render such assistance to Member States with which it has no extradition treaty, should such a request be made?

Response: Pakistan, in all such circumstances where sufficient evidence has been provided justifying recourse to such action, can adopt the following procedure if required:

- Extradite the person to a third country with which it has an extradition treaty;
- Extradite the person to the requesting state under a specific bilateral arrangement;
or
- Act on behalf of the requesting state to obtain and provide the necessary information.

Paragraph 1.13

Q. The CTC would be grateful to be informed how the international Conventions against terrorism ratified by Pakistan have been implemented through domestic legislation and the progress that Pakistan has made in regard to the ratification and implementation of the Conventions to which it has not yet become a party?

Response: Out of 12 UN Conventions Pakistan has already ratified/acceded to/signed eleven Conventions and in order to implement these Conventions, appropriate provisions are available in our laws. However, wherever necessary, appropriate amendments would be made to cover the specific situation.

The two Conventions (International Convention for the Suppression of the Financing of Terrorism, and Convention on the Marking of Plastic Explosives for the Purpose of Detection), which have not been ratified/acceded to by Pakistan so far are being actively considered for ratification. In the mean time certain amendments are already being processed in the Anti-Terrorism Act, 1997 which deal with Terrorist Financing.

Paragraph 1.14

Q. In response to the question whether the crimes set forth in the relevant international conventions and protocols have been included as extraditable offences in the bilateral treaties to which Pakistan is a party, the supplementary report states that 'Pakistan is bound by the relevant articles of those Conventions and Protocols which stipulate that the offences set forth in the relevant Conventions and Protocols are deemed to be included as extraditable offences in any extradition treaty existing between States Parties and any extradition treaty to be concluded between them.' The CTC notes that, while the 'relevant articles' (for example,

paragraph 1 of Article 9 of the International Convention for the Suppression of Terrorist Bombings) provide that the relevant offences 'shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the States Parties before the entry into force of this Convention', they also provide that 'States Parties undertake to include such offences as extraditable offences in every extradition treaty to be subsequently concluded between them.' The CTC would therefore be grateful for confirmation that extradition concluded by Pakistan after the entry into force of any relevant Convention or Protocol made the required provision.

Response: Pakistan signs extradition treaties with other countries in the light of the provisions of Extradition Act 1972. Pakistan has so far signed Extradition Treaties with 27 countries. The Extradition Offences are given in the Schedule of this Act. So far 23 offences are listed in the Schedule and others are being examined for incorporation, if required.

Paragraph 1.15

Q. Sub-paragraph 3 (g) of the Resolution contemplates that definitive provision will be made to ensure that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists. The supplementary report indicates that a 'political exception' is provided for in section 5 (2) (a) of the Extradition Act 1972 but, for it to apply, an authority 'has to be satisfied that requisition for (the fugitive's) surrender has, in fact been made with a view to his being tried or punished for an offence of a political character'. Does Pakistan intend to amend the law to provide definitively that the relevant offences are not political in character for the purposes of section 5(2) (a)?

Response: To be provided later.



Security Council

Distr.: General
12 March 2003

Original: English

Letter dated 7 March 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 12 September 2002 (S/2002/1014).

The Counter-Terrorism Committee has received the attached supplementary report from Nigeria submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) **Jeremy Greenstock**

Chairman

Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism



Annex to the letter dated 7 March 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

Note verbale dated 5 March 2003 from the Permanent Mission of Nigeria to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of the Federal Republic of Nigeria to the United Nations presents its compliments to the Chairman of the Counter-Terrorism Committee of the Security Council and, with reference to the latter's letter of 30 August 2002, has the honour to forward herewith Nigeria's further clarification/information on a number of preliminary comments/questions raised by the Committee on the report submitted by the Government of Nigeria pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

Enclosure

Letter dated 12 September 2002 from the Attorney-General of the Federation and Minister of Justice of Nigeria addressed to the Minister for Foreign Affairs of Nigeria

Report of Nigeria on the implementation of Security Council resolution 1373 (2001)

I am directed to refer to your letter No. FB.32/I dated 18th June 2002 on the above mentioned subject matter and to state that our comments (response) to the letter of the Counter Terrorism Committee (CTC) of the United Nations Security Council dated 21st May 2002 is as follows:-

(A) Sub-paragraph 1 (a)

The penalties that apply if a bank fails to report transactions of a sum of over half a million naira is provided in section 28 (5) of Decree No. 24, Central Bank of Nigeria Decree 1991 which States:-

"Where any person or institution fails to comply with any guideline issued under paragraph (b) of section (1) of this section, he shall be guilty of an offence under this Decree and liable on conviction to imprisonment not exceeding three years or to a fine not less than N50,000.00 or more than N100,000.00 or to both such imprisonment and fine. Under section 17 of the Money Laundering Act, Decree No. 3 of 1995, a bank (body corporate) convicted of an offence may have all its properties and assets forfeited to the Federal Government.

Nigeria have provisions for regulating informal banking networks if they are registered Unit Trust Schemes. But the informal banking

system (Hamala) operating in the Country is not subjected to regulations since they are based or operate on personal arrangements. Natural or legal persons other than banks (e.g. attorneys-notaries) are under no legal obligation to report suspicious transactions that might be linked to terrorist activities to the public authorities.

Decree No. 3 Money Laundering Decree 1995 consists of 3 parts. Part I deals with Prevention of money Laundering and is made up of thirteen (13) sections dealing with the following:-

1. Limitation of the amount of cash payment.
2. Duty to report international transfers of funds and securities.
3. Regulation of over – the counter exchange transaction.
4. Duties incumbent on casinos.
5. Identification of customers.
6. Special surveillance of certain transactions.
7. Preservation of records.
8. Communication of information.
9. Arousing awareness among employees of financial institutions.
10. Mandatory disclosure by financial institutions.
11. Liability of directors etc of financial institutions.
12. Surveillance of bank accounts etc; and
13. Determination of flow transactions, etc.

Part II deals with offences under the Decree and trial of same namely:-

14. Money Laundering Offences.
15. Other Offences.
16. Conspiracy, aiding, etc.
17. Offences by bodies corporate; and
18. Trial of Offences.

Part III is on Miscellaneous and contains provisions relating to the following:-

19. Power to demand and obtain records etc.
20. Obstruction of the Agency or authorized officers.
21. Protection against liability.
22. Repeal of section 13 of the National Drug Law Enforcement Agency Decree 1959 No.48 and
23. Interpretation.

The Money Laundering Act, therefore, contains provisions which criminalize Money – Laundering and prescribes penalties too. Offenders are liable to imprisonment for a term of 25 years.

(B) Sub-paragraph 1 (b)

Exchange Control (Anti sabotage) Act has been repealed. It was repealed by Foreign Exchange (Monitoring and Miscellaneous Provisions) Decree No. 17 of 1995. However section 13 of the National Drug Law Enforcement Agency Act Cap.253 Laws of the Federation 1990 criminalise Laundering of funds obtained through unlawful activity and imposes penalty and forfeiture. See also cap 62 (33) on freezing order on banks. Nigeria will criminalise the financing of the activities listed in sub-paragraph 1(b) of the Resolution in cases not covered by those two Acts by domestic legislation towards implementation of the United Nations Convention on the suppression of Terrorism. The Anti-Terrorism Act when enacted will contain measures to prevent or punish acts committed by terrorist organizations operating from Nigeria, it should however be emphasised that at the moment there is no reported case of terrorist organization, operating from Nigeria.

(C) SUB-PARAGRAPH 1(c)

Under NDLEA ACT Capt 253 Laws of the Federation 1990 section 3 (c) the Agency have responsibility for “adoption of measures to identify, trace, freeze, confiscate or seize proceeds derived from drugs related offences or properties whose value corresponds to such proceeds.” Section 4(1) and (2) deals with the federal powers of the Agency. Note-No time frame within which the Agency is required to decide. It is to be noted that all the assets and properties of any person convicted of an offence under the Act. i.e. cap. 253 are liable to forfeiture to the Federal Government. See section 18 to 25 of the Act. Where a person is arrested for an offence under the Act, the Agency shall immediately trace and attach all the assets and properties of the person and shall thereafter cause to be obtained an interim attachment order by the Tribunal. This means that on arrest, the assets, and properties of the arrested person shall be traced and attached immediately; such attachment would be validated later by obtaining order from the Tribunal see section 25.

Funds can be frozen in Nigeria on the request of foreign authorities where there exists between both countries a mutual legal assistance

treaty in criminal or civil matters, which specify or give details of such arrangement.

(D) SUB-PARAGRAPH 1(d)

The Central Bank of Nigerian has enhanced its monitoring activities on all financial transactions carried out by commercial banks by regular receipt of reports on financial transactions carried out by commercial banks and also through its supervisory role under section 30 of the Banks and other Financial Institutions Act 1991 No. 25.

(E) SUB-PARAGRAPH 2(a)

The penalties provided for in Nigeria's criminal legislation for the recruitment of members of terrorist group, are as contained in section 6 (6) of the Public Order Act Cap 382 Laws of the Federation 1990. The penalty is a fine of N5,000.00 or imprisonment for 2 years or both such fine and imprisonment in the case of a person who is proved to have taken part in the organization or management of an association or in organizing, tracing, or equipping any person referred to in paragraph (a) and (b) of subsection 1 of section 6. In the case of a person who is proved to have undertaken or been engaged in being organized, trained or equipped, be liable to a fine of N1,000 or imprisonment for six months or to both such fine and imprisonment. Weapons, which fall under the category of "Prohibited firearms", are as contained in part 1 of the schedule to the Firearms Act. CAP 146 these are:-

1. Artillery
2. Apparatus for the discharge of any explosives or gas diffusing projectile
3. Rocket weapons
4. Bombs and grenade
5. Machine guns and machine pistols
6. Military Rifles, namely those of calibers of 62 mm, 9mm, 300inches and 30.3 inches
7. Revolvers and pistols whether rifled or unrifled (including flint-lock pistols and cap pistols) and
8. Any other firearm not specified in part II or part III of this schedule.

The prohibition of the acquisition of firearms and explosives are implemented by the provision of sanctions under section 28 of the

Firearms Act, which stipulates a sentence of up to 10 years for contravention of the Act.

The measures Nigeria have to prevent terrorists from obtaining weapons in the country is the Firearms Act, which prohibits possession or importation of arms and ammunition. Sections 18 to 22 of the Act deals with and control the importation and exportation of weapons.

The legislative measure in place to prevent entities and individuals from recruiting, collecting funds or soliciting other forms of support for unlawful activities is the Public Order Act referred to above particularly section 6 thereof; another legislative measure in section 62 to 88 of the criminal code Act cap. 77 Law of the Federation 1990, which prohibits unlawful societies and provides penalties of up to 7 years on conviction.

It is to be noted that the proposed Anti-Terrorist Act to be presented to the National Assembly for enactment will take cognizance of and remedy any shortcoming, lapses of the Public Order Act taking into consideration the country's obligations in the enforcement of International Treaties/Convention, which Nigeria has recently ratified.

(F) Sub-paragraph 2(c) and (d)

The provisions of the Extradition Act relevant for this purpose are as contained in sections 1, 4, and 5, 6, 7, 8, 9, 10 11, 12, 13, and 14 of the Extradition Act Cap. 125 Laws of the Federation 1990.

(G) Sub-paragraph 2 (e)

The National Assembly is still considering the bill on Anti-Terrorism, Economic and Financial Crimes Act. It is, therefore, premature to report on the provisions especially as it is not clear whether the National Assembly will pass the bill as it is or modify its provisions. Nigerian Courts have no jurisdiction or competence to deal with criminal acts committed outside Nigeria either by its citizen or person habitually resident in Nigeria; ditto a foreigner who is currently in Nigeria where the crime is committed outside Nigeria.

(H) Sub-paragraph 2 (f)

There is no specific legal timeframe within which a request for judicial assistance in criminal investigation or criminal proceedings has to be met. Each request is treated on its own merit and in accordance with the urgency attached to each particular case. However, requests are generally met and responded to within a reasonable time.

(I) Sub-paragraph 2 (g)

To be referred to the immigration at the Ministry of Internal Affairs for detailed explanation.

(J) Sub-paragraph 3 (a)

To be referred to the Nigerian Intelligence Agency for detailed explanation.

(K) Sub-paragraph 3 (c)

Nigeria has entered into bilateral agreements on mutual legal Assistance and Extradition with a number of Countries amongst which are the United Kingdom, South Africa, United States of America, Thailand, Benin, Ghana, Togo, Spain, Ireland and Italy.

(L) Sub-paragraph 3 (e)

The offences set forth in the relevant international conventions and protocols relating to terrorism are included as extraditable offences in bilateral treaties to which Nigeria is a party.

(M) 3 (f and (g)

The principal law in force on immigration issue generally is the Immigration Act CAP. 171 Laws of the Federation of Nigeria. The Act has two (2) subsidiary Regulations to wit: Immigration Regulation and Immigration (Control of Aliens) Regulations. The procedure for grant of refugee status is governed by the aforesaid Act and Regulations.

Claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists.

2. You may wish to transmit the above response to the United Nations Counter – Terrorism Committee after clarification of sub-paragraphs 2 (g) and 3(a) from the Immigration Department of the Ministry of Internal Affairs and the Nigeria Intelligence Agency respectively.

(Signed) J. Balogun
for the Honourable Attorney-General
of the Federation and Minister of Justice



Security Council

Distr.: General
12 March 2003
English
Original: Arabic

Identical letters dated 11 March 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

On instructions from my Government, I wish to transmit to you herewith the daily report on the activities carried out by the inspection teams of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) in Iraq on 11 March 2003.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Mohammed A. Aldouri
Ambassador
Permanent Representative



**Annex to the identical letters dated 11 March 2003 from the
Permanent Representative of Iraq to the United Nations
addressed to the Secretary-General and to the President of
the Security Council**

Activities of the IAEA and UNMOVIC inspection teams in Iraq

Inspection activities carried out on Tuesday, 11 March 2003

I. IAEA inspection team

Two helicopters carrying the team took off from Rashid airfield at 8.00 a.m. The team arrived at the Ur State Company, which belongs to the Ministry of Industry and Minerals and is located in the city of Nasiriyah. The team checked the half-yearly reports and enquired about changes that had taken place in the Company since 1998, the Company's standard production, the types of aluminium ingots produced there and the sources of raw materials. The team inspected all the Company's facilities and departments and used a gamma-ray measuring instrument. On completing its mission, which lasted 4 hours and 30 minutes, the group returned to Rashid airfield.

II. UNMOVIC inspection team (missiles)

Group I

A first group left the Canal Hotel in Baghdad at 8.30 a.m. and went to the Technical Battalion in Taji. The group oversaw the destruction of three Sumud-2 missiles and nine warheads together with a launching base and 16 oxidizer tanks. On completing its mission, which lasted 5 hours, the group returned to the Canal Hotel.

Group II

A second group left the Canal Hotel in Baghdad at 8.30 a.m. and went to the Karamah State Company, which is owned by the Military Industrialization Corporation (MIC). The group took an inventory of Sumud-2 missile equipment with a view to its being loaded and transported to the destruction site at Taji. The group also oversaw the destruction of the blueprints for the Sumud-2 missile. On completing its mission, which lasted 4 hours and 40 minutes, the group returned to the Canal Hotel.

III. UNMOVIC inspection team (chemical)

The team left the Canal Hotel at 8.30 a.m. and went to the State Company for the Manufacture of Batteries, which belongs to the Ministry of Industry. The team met with Company officials and asked them about the nature of the Company's present activity, the nature of its products, its raw materials procurement and its marketing. The team then inspected all the Company's plants and checked and compared the declared equipment and materials. On completing its mission, which lasted 5 hours, the team returned to the Canal Hotel.

IV. UNMOVIC inspection team (biological)

The team left the Canal Hotel in Baghdad at 9 a.m. and went to the Karbala Canning Company, which is privately owned. It met the Company manager and asked him about the date on which the Company was transferred to the private sector, the number of departments in the Company, whether it had a quality control laboratory, the number of employees, the number holding graduate degrees and the Company's raw materials procurement. The team then inspected all the Company's departments. On completing its mission, which lasted 3 hours and 30 minutes, the team returned to the Canal Hotel.

V. UNMOVIC joint inspection team in Baghdad

At 8.30 a.m. a helicopter carrying the UNMOVIC team took off from Rashid airfield. The team arrived at the Ninawa branch of the Mesopotamia State Seed Company and met with Company officials, asking them about the nature of the Company's work and the number of sheds. It asked to perform a radiation survey on all yellow corn storage areas. On completing its mission, which lasted 2 hours and 15 minutes, the group returned to Rashid airfield.

VI. Interviews

UNMOVIC requested a private interview in a Baghdad hotel with an Iraqi expert. The National Monitoring Directorate encouraged him to hold the interview and notified him that he should appear at the appointed time and place. The interview did not take place due to the fact that the person in question insisted that it should be documented by means of a sound recording.

VII. U-2 reconnaissance aircraft

At 0940 hours a U-2 reconnaissance plane entered Iraqi airspace. At 1000 hours another aircraft of the same type entered Iraqi airspace without any prior notification. The Director General of the National Monitoring Directorate immediately contacted the Director of the Baghdad Ongoing Monitoring, Verification and Inspection Centre (BOMVIC), which belongs to UNMOVIC, in order to enquire about the identity of the second aircraft. A few minutes later the Director of BOMVIC telephoned the National Monitoring Directorate and acknowledged that an error had occurred as a result of steps taken unintentionally by UNMOVIC. He expressed his profound apologies for the mistake and explained that the planes had been instructed to leave Iraqi airspace.



Security Council

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13 March 2003
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Letter dated 11 March 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I transmit to you herewith a letter dated 11 March 2003 from Mr. Naji Sabri, Minister for Foreign Affairs of the Republic of Iraq, concerning attempts by the United States to provoke a crisis by means of an unauthorized U-2 spy plane flight.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Mohammed A. Aldouri
Ambassador
Permanent Representative



Annex to the letter dated 11 March 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

The Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) addressed a letter dated 7 March 2003 to our Permanent Representative in New York notifying the Iraqi side of the flights of the U-2 reconnaissance aircraft during the period from 1600 hours on 10 March 2003, United States Eastern Standard Time, to 1600 hours on 12 March 2003.

On 8 March 2003, our Permanent Representative in New York addressed a letter to Mr. Blix informing him that we had received the flight notification.

At 0940 hours Iraq time on 11 March 2003 the high-altitude aerial reconnaissance plane entered Iraqi airspace via the point of entry specified in Mr. Blix's letter (N2G-37 E047-00), in other words the Batin area on the Iraq-Kuwait border. Twenty minutes after the entry of the U-2 high-altitude reconnaissance aircraft into Iraqi airspace, another identical U-2 aircraft entered at a point on the border between Iraq and Saudi Arabia.

Inasmuch as, in violation of the procedure in force, no prior notification of the entry of the second aircraft was given, and in view of the danger that this entails for the aircraft and the pilot, Major-General Husam Muhammad Amin, Director General of the National Monitoring Directorate, contacted Mr. Miroslav Gregoric, Director of the Baghdad Ongoing Monitoring, Verification and Inspection Centre (BOMVIC), requesting an explanation. Mr. Gregoric replied that both were UNMOVIC aircraft and that an error had occurred and would be dealt with. The two aircraft left Iraqi airspace.

The serious act committed by the United States in sending a U-2 spy plane into Iraqi airspace without prior notification, while knowing in advance the possible dangers to the aircraft and the pilot, confirms that the United States is still resorting to cheap tactics, even exposing the life of its pilots to danger, in order to precipitate a crisis to justify aggression against Iraq and the region.

I therefore request the United Nations, the Security Council and UNMOVIC to take the necessary steps to prevent such dangerous transgressions at this grave and sensitive juncture.

(Signed) Naji Sabri
Minister for Foreign Affairs of Iraq



Security Council

Distr.: General
13 March 2003

Original: English

Letter dated 13 March 2003 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council

I have the honour to refer to the letter dated 7 March 2003 from President Thabo Mbeki to the Secretary-General and later circulated to the Members of the Security Council.

South Africa has been closely following the consultations in the Security Council and specifically the proposals to set benchmarks against which Iraq's cooperation could be measured in a transparent and objective manner. The Security Council may wish to consider that the current deliberations would be enhanced if the Security Council received a draft work programme containing the "key remaining disarmament tasks" from the weapons inspectors.

As you will recall, during his statement to the Security Council on 7 March 2003, the Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) stated:

"Resolution 1284 (1999) instructs UNMOVIC to 'address unresolved disarmament issues' and to identify 'key remaining disarmament tasks' and the latter are to be submitted for approval by the Council in the context of a work programme. UNMOVIC will be ready to submit a draft work programme this month as required".

South Africa believes that the work programme of the inspectors is central to the negotiations under way in the Security Council. I therefore respectfully request the Security Council to consider requesting UNMOVIC to present its draft work programme as soon as possible.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Dumisani S. Kumalo
Ambassador
Permanent Representative

